THE HON'BLE Mr. JUSTICE N.V. RAMANA

WRIT PETITION No.21835 OF 2000

Dated: August 3, 2005

Between:

Venudasi Durga Prasad, S/o. late Y. Chandra Rao,

Hindu, aged about 24 years, R/o. Burugupadi,

P.O. Korukonda Mandal,

E. Godavari District – 533 292.

… Petitioner

And

A.P. TRANSCO, rep. by its M.D., Vidyuth Soudha,

Somajiguda, Hyderabad and others.

… Respondents

Order:

This writ petition is filed seeking Mandamus directing the respondents to absorb the petitioner in terms of
B.P. (P&G Per), Ms.No.36 dated 18-05-1997 or in the alternative to consider his case for appointment on compassionate grounds.

2. Petitioner states that his father Sri V. Chandra Rao, while working as a Helper in A.P.S.E. Board, Korukonda branch, Rajahmundry, died in harness on 27-01-1987 due to electrocution. It is the case of the petitioner that his sister and he, being minors at the time of death of his father, made representation to the respondents for terminal benefits of their deceased father and also for compassionate appointment either to the petitioner or his mother. When his case for compassionate appointment was not considered, he filed W.P. No.35175 of 1998 before this Court, and when he was advised that his case falls under B.P. (P&G Per) Ms. No. 36, dated 08-05-1997, he withdrew the writ petition seeking liberty to file fresh writ petition.

3. Thereupon, he filed the present writ petition. The petitioner states that he worked as a contract labourer in T.S.R. Associates from 01-04-1996 to 30-03-1998, and is eligible to be considered for absorption by the respondents in terms of B.P. (P&G Per) Ms. No.36 dated
18-05-1997. It is the grievance of the petitioner that though the respondents are in knowledge that he is working as a contract labourer with T.S.R. Associates, instead of absorbing and regularizing his services, they neither considered his case for appointment on compassionate grounds, nor under B.P. (P&G Per) Ms.No.36 dated 18-05-1997, which provides for absorption of ex-casual labourers with their contractors, and which the petitioner claims that he is eligible for.

4. Petitioner further states that he approached the respondents and submitted a representation to consider his case in terms of
B.P. (P&G Per) Ms.No.36 dated 18-05-1997, but the respondents declined to accept the same, stating that he filed a writ petition for compassionate appointment, which the petitioner claims, he had withdrawn when he was advised that his case falls under the Board Proceedings B.P. (P&G Per) Ms.No.36 dated 18-05-1997.

5. Heard the learned counsel for the petitioner. None appears for the respondents and there is no representation either. Even though the writ petition was admitted in the year 2002, no counter is filed by the respondents, till date. This Court, on the earlier two occasions, adjourned the matter due to non-appearance of the counsel

for the respondents and posted the writ petition under the caption ‘for orders’ today. Even today, when the matter was taken up for hearing in the forenoon, none appeared for the respondents and there was no representation either, and therefore, it was passed over to 2.15 P.M. However, none appears for the respondents. This attitude on the part of the respondents shows that they are not interested in prosecuting the matter.

6. In the absence of any counter filed by the respondents, and in the absence of any representation made on their behalf in spite of adjourning the matter as stated hereinabove, this Court has no other alternative, but to take the averments made by the petitioner in the affidavit filed by the petitioner to be true and correct and allow the writ petition.

7. Hence, the writ petition is allowed as prayed for. The respondents are directed to consider the case of the petitioner, for appointment either on compassionate grounds or, for absorption in terms of B.P. (P&G Per), Ms.No.36 dated 18-05-1997, expeditiously, and pass appropriate orders in accordance with law. No order as to costs.

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N.V. RAMANA, J

August 3, 2005

MRR